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Total Number of Pages in This Submission

Application Number 10/765,318

Filing Date January 26, 2004

First Named Inventor Lurie, Keith G.

Art Unit 3736

Examiner Name

Attorney Docket Number 016354-005212US

ENCLOSURES (Check all that apply)

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Remarks

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Townsend and Townsend and Crew LLP

Signature

Printed name Darin J. Gibby

Date April 1, 2005

Reg. No. 38,464

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PATENT
Attorney Docket No.: 016354-005212US

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On

April 1, 2005

TOWNSEND and TOWNSEND and CREW LLP

By:

Connie Loran



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Keith G. Lurie

Application No.: 10/765,318

Filed: January 26, 2004

For: SYSTEMS AND METHODS FOR
MODULATING AUTONOMIC
FUNCTION

Examiner:

Art Unit: 3736

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. This application is a continuation-in-part of and relies upon U.S. Patent Application No. 10/660,462, filed September 11, 2003, Attorney Docket No. 016354-005211US ("the parent application") for an earlier effective filing date under 35 U.S.C. §120. In accordance with 37 CFR §1.98(d), copies of the references have all been previously submitted to or cited by the Office in the parent application, and are therefore not enclosed.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

Darin J. Gibby
Reg. No. 38,464

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 303-571-4321
DJG/cl
60457406 v1



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet **1** of **5****Complete if Known**

Application Number	10/765,318
Filing Date	January 26, 2004
First Named Inventor	Lurie, Keith G.
Art Unit	3736
Examiner Name	
Attorney Docket Number	016354-005212US

U.S. PATENT DOCUMENTS*

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	A1	US-2,774,346	12-1956	Halliburton	
	A2	US-3,077,884	02-1963	Batrow et al.	
	A3	US-3,191,596	06-1965	Bird et al.	
	A4	US-3,191,596	06-1965	Bird et al.	
	A5	US-3,307,541	03-07-1967	Hewson.	
	A6	US-3,459,216	08-1969	Bloom et al.	
	A7	US-3,515,163	06-1970	Freeman	
	A8	US-3,662,751	05-1972	Barkalow et al.	
	A9	US-3,669,108	06-1972	Sundblom et al.	
	A10	US-3,794,043	02-1974	McGinnis	
	A11	US-3,815,606	06-11-1974	Mazal	
	A12	US-3,834,383	09-1974	Weigl et al.	
	A13	US-3,933,171	01-1976	Hay	
	A14	US-4,041,943	08-1977	Miller	
	A15	US-4,077,404	03-07-1978	Elam	
	A16	US-4,166,458	09-04-1979	Harrigan	
	A17	US-4,226,233	10-07-1980	Kritzer	
	A18	US-4,259,951	04-07-1981	Chernack et al.	
	A19	US-4,298,023	11-1981	McGinnis	
	A20	US-4,316,458	02-1982	Hammerton-Fraser	
	A21	US-4,320,754	03-23-1982	Watson et al.	
	A22	US-4,349,015	09-1982	Alferness	
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	A24	US-4,446,864	05-08-1984	Watson et al.	
	A25	US-4,449,526	05-22-1984	Elam	
	A26	US-4,481,938	11-13-1984	Lindley	
	A27	US-4,533,137	08-06-1985	Sonne	
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	A29	US-4,809,683	03-1989	Hanson	
	A30	US-4,827,935	05-09-1989	Geddes et al.	
	A31	US-4,881,527	11-21-1989	Lerman	
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	A34	US-5,014,698	05-1991	Cohen	
	A35	US-5,016,627	05-1991	Dahrendorf	
	A36	US-5,050,593	09-24-1991	Poon	
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	A38	US-5,109,840	05-05-1992	Daleidon	
	A39	US-5,163,424	11-1992	Kohnke	
	A40	US-5,184,620	02-1993	Cudahy et al.	
	A41	US-5,193,544	03-1993	Jaffe	

Examiner Signature		Date Considered	
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known	
			Application Number	10/765,318
			Filing Date	January 26, 2004
			First Named Inventor	Lurie, Keith G.
			Art Unit	3736
Examiner Name				
Sheet 2	of 5	Attorney Docket Number	016354-005212US	

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A42	US-5,217,006	06-08-1993	McCulloch	
	A43	US-5,235,970	08-1993	Augustine	
	A44	US-5,263,476	11-1993	Henson	
	A45	US-5,295,481	03-1994	Geeham	
	A46	US-5,301,667	04-1994	McGrail et al.	
	A47	US-5,305,743	04-1994	Brain	
	A48	US-5,355,879	10-1994	Brain	
	A49	US-5,377,671	01-03-1995	Biondi et al.	
	A50	US-5,359,998	11-1994	Lloyd	
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	A52	US-5,398,714	03-1995	Price	
	A53	US-5,454,779	10-1995	Lurie et al.	
	A54	US-5,492,116	02-1996	Scarberry et al.	
	A55	US-5,496,257	03-05-1996	Kelly	
	A56	US-5,517,986	05-1996	Starr et al.	
	A57	US-5,551,420	09-03-1996	Lurie et al.	
	A58	US-5,584,866	12-1996	Kroll et al.	
	A59	US-5,628,305	05-13-1997	Melker	
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	A65	US-5,735,876	04-1998	Kroll et al.	
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	A69	US-6,029,667	02-2000	Lurie	
	A70	US-6,062,219	05-16-2000	Lurie et al.	
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	A72	US-6,224,562 B1	05-01-2001	Lurie et al.	
	A73	US-6,234,985 B1	05-22-2001	Lurie et al.	
	A74	US-2001/0029399 A1	10-11-2001	Orr et al.	
	A75	US-6,312,399 B1	11-06-2001	Lurie et al.	
	A76	US-2002/0069878 A1	06-13-2002	Lurie et al.	
	A77	US-6,425,393	07-30-2002	Lurie et al.	
	A78	US-6,459,933 B1	10-01-2002	Lurie et al.	
	A79	US-6,463,327 B1	10-08-2002	Lurie et al.	
	A80	US-2002/0170562 A1	11-21-2002	Lurie et al.	
	A81	US-2003/0037784 A1	02-27-2003	Lurie	

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			Application Number	10/765,318	
			Filing Date	January 26, 2004	
			First Named Inventor	Lurie, Keith G.	
			Art Unit	3736	
Examiner Name					
Sheet	3	of	5	Attorney Docket Number	016354-005212US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A82	US-6,526,973	03-04-2003	Lurie et al.	
	A83	US-2003/0062041 A1	04-03-2003	Lurie et al.	
	A84	US-6,578,574	06-2003	Kohnke	
	A85	US-6,587,726 B2	07-01-2003	Lurie et al.	
	A86	US-6,604,523	08-12-2003	Lurie et al.	
	A87	US-6,792,947	09-2004	Bowden	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	B1	CA	668771		08-20-1963			<input type="checkbox"/>
	B2	CA	2077608	A1	03-14-1993			<input type="checkbox"/>
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	B4	EP	0 029 352	A1	05-27-1981			<input type="checkbox"/>
	B5	EP	0 139 363	A1	05-02-1985			<input type="checkbox"/>
	B6	EP	0 245 142	A1	11-11-1987			<input type="checkbox"/>
	B7	EP	0 367 285	B1	05-09-1990			<input type="checkbox"/>
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	B10	GB	1 465 127		02-23-1977			<input type="checkbox"/>
	B11	GB	2 139 099	A	11-07-1984			<input type="checkbox"/>
	B12	PCT	WO90/05518	A1	05-31-1990			<input type="checkbox"/>
	B13	PCT	WO93/21982	A1	11-11-1993			<input type="checkbox"/>
	B14	PCT	WO94/26229	A1	11-24-1994			<input type="checkbox"/>
	B15	PCT	WO95/13108	A1	05-18-1995			<input type="checkbox"/>
	B16	PCT	WO95/28193	A1	10-26-1995			<input type="checkbox"/>
	B17	PCT	WO96/28215	A1	09-19-1996			<input type="checkbox"/>
	B18	PCT	WO99/63926	A1	12-16-1999			<input type="checkbox"/>
	B19	PCT	WO01/70332	A1	09-27-2001			<input type="checkbox"/>
	B20	PCT	WO02/092169	A1	11-21-2002			<input type="checkbox"/>

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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C1	Christenson, J.M., "Abdominal Compressions During CPR: Hemodynamic Effects of Altering Timing and Force", The Journal of Emergency Medicine, vol. 10, pp. 257-266, 1992.	
	C2	Cohen, Todd J. et al., "Active Compression-Decompression Resuscitation: a Novel Method of Cardiopulmonary Resuscitation", Department of Medicine and the Cardiovascular Research Institute, UC San Francisco, American Heart Journal 126(5):1145-1150, 1992.	
	C3	Cohen, Todd J. et al., "Active Compression-Decompression: A New Method of Cardiopulmonary Resuscitation", JAMA 267(21): 2916-2923 (Jun. 3, 1992).	
	C4	Ambu International A/S "Directions for use of Ambu® CardioPump™", 8 pages.	
	C5	Dupuis, Yvon G., <u>Ventilators- Theory and Clinical Application</u> , pp. 447-448, 481, 496; Jan. 1986, Mosby Company.	
	C6	Geddes, L.A. et al., "Inspiration Produced by Bilateral Electromagnetic, Cervical Phrenic Nerve Stimulation in Man," IEEE Transactions on Biomedical Engineering 38(9): 1047-1048 (Oct. 1991).	
	C7	Geddes, L.A. et al., "Optimum Stimulus Frequency for Contracting the Inspiratory Muscles with chest Surface Electrodes to Produce Artificial respiration," Annals of Biomedical Engineering 18:103-108 (1990).	
	C8	Geddes, L.A., "Electrically Produced Artificial Ventilation," Medical Instrumentation 22(5): 263-271 (1988).	
	C9	Geddes, L.A., "Electroventilation—A Missed Opportunity?", Biomedical Instrumentation & Technology, Jul./Aug. 1998, pp. 401-414.	
	C10	Glenn, William W.L. et al., "Diaphragm Pacing by Electrical Stimulation of the Phrenic Nerve," Neurosurgery 17(6): 974-984 (1985).	
	C11	Glenn, William W.L. et al., "Twenty Years of Experience in Phrenic Nerve Stimulation to Pace the Diaphragm," Pace 9: 780-784 (Nov./Dec. 1986, Part I).	
	C12	Kotze, P.L. et al., "Diaphragm Pacing in the Treatment of Ventilatory Failure," San. Deel 68:223-224 (Aug. 17, 1995).	
	C13	Laghi, Franco et al., "Comparison of Magnetic and Electrical Phrenic Nerve Stimulation in assessment of Diaphragmatic Contractility," American Physiological society, pp. 1731-1742 (1996).	
	C14	Lindner, Karl H. et al., "Effects of Active Compression-Decompression Resuscitation on Myocardial and Cerebral Blood Flow in Pigs" Department of Anesthesiology and Critical Care Medicine, University of Ulm, Germany, Circulation 88(3):1254-1263, (Oct. 7, 1993).	
	C15	Lurie, Keith G. et al., "Regulated to Death: The Matter of Informed Consent for Human Experimentation in Emergency Resuscitation Research," Cardiac Arrhythmia Center at the University of Minnesota, PACE 18:1443-1447 (Jul. 1995).	

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NON PATENT LITERATURE DOCUMENTS			
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	C16	Mushin W. W. et al., "Automatic Ventilation of the Lungs--The Lewis-Leigh Inflating Valve," Blackwell Scientific, Oxford, GB, p. 838.	
	C17		

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